

1 ALLEN J. RUBY (SBN 047109)
2 aruby@allenrubylaw.com
3 LAW OFFICES OF ALLEN RUBY
4 125 South Market Street, Suite 1001
5 San Jose, California 95113
6 Telephone: 408-998-8500
7 Facsimile: 408-998-8503
8
9 ANDREW S. CLARE (SBN 050289)
10 aclare@loeb.com
11 LOEB & LOEB LLP
12 10100 Santa Monica Blvd., Suite 2200
13 Los Angeles, California 90067-4120
14 Telephone: (310) 282-2000
15 Facsimile: (310) 282-2200
16
17 DANIEL SILVERMAN (SBN 137864)
18 dsilverman@roll.com
19 KRISTINA M. DIAZ (SBN 151566)
20 kdiaz@roll.com
21 DANIEL A. BECK (SBN 204496)
22 dbeck@roll.com
23 ROLL LAW GROUP P.C.
24 11444 West Olympic Blvd., 10th Floor
25 Los Angeles, California 90064-1557
26 Telephone: 310-966-8400
27 Facsimile: 310-966-8810

28
15 Attorneys for Plaintiff
16 POM WONDERFUL LLC

16 NELSON L. ATKINS (SBN 036752)
17 nelson_atkins@gshllp.com
18 KENNETH M. JONES (SBN 140358)
19 kenneth_jones@gshllp.com
20 GONZALEZ SAGGIO & HARLAN LLP
21 3699 Wilshire Boulevard, Suite 890
22 Los Angeles, California 90010
23 Telephone: (213) 487-1400
24 Facsimile: (213) 487-1404
25
26 STEVEN A. ZALESIN (admitted *pro
hac vice*)
27 sazalesin@pbwt.com
28 TRAVIS J. TU (admitted *pro hac vice*)
tjtu@pbwt.com
PATTERSON BELKNAP WEBB &
TYLER LLP
1133 Avenue of the Americas
New York, New York 10036
Telephone: (212) 336-2000
Facsimile: (212) 336-2222

Attorneys for Defendant
THE COCA-COLA COMPANY

JS-6

16
17 UNITED STATES DISTRICT COURT
18
19 CENTRAL DISTRICT OF CALIFORNIA

20 POM WONDERFUL LLC, a Delaware)
21 limited liability company,)
22 Plaintiff,)
23 v.)
24 THE COCA COLA COMPANY, a)
25 Delaware corporation; and DOES 1-10,)
26 inclusive,)
27 Defendants.)
28

Case No. CV-08-06237 SJO (FMOx)
FINAL JUDGMENT
Hon. S. James Otero

[PROPOSED] FINAL JUDGMENT

1 **WHEREAS:**

2 The Court has reviewed the Amended [Proposed] Pretrial Conference Order
3 ("PTCO") filed by Plaintiff Pom Wonderful LLC ("Plaintiff") and Defendant The
4 Coca-Cola Company ("Defendant");

5 The Court has issued its Order Granting In Part, Denying In Part Defendant's
6 Motion For Summary Judgment Pursuant To Fed. R. Civ. P. 56; Denying Plaintiff's
7 Motion For Partial Summary Adjudication Re: Defendant's Affirmative Defenses
8 Of Safe Harbor And Compliance with Laws, entered on May 5, 2010 [Docket No.
9 360] (the "MSJ Order");

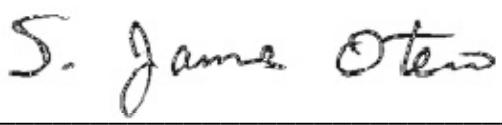
10 The MSJ Order dismissed Plaintiff's state law claims. The MSJ Order also
11 "precluded [Plaintiff] from pursuing its Lanham Act claim against the naming and
12 labeling on the Juice's bottle," MSJ Order at 33, and "precluded [Plaintiff] from
13 pursuing its Lanham Act claim against the Fruit Vignette." *Id.* at 36. The MSJ
14 Order did not preclude Plaintiff from pursuing its Lanham Act claim in other
15 respects;

16 Plaintiff stipulates that, in light of the Court's MSJ Order, it cannot now carry
17 its burden with respect to its Lanham Act claim and that, accordingly, the Court
18 should dismiss with prejudice the remaining portion of Plaintiff's Lanham Act claim
19 and enter Final Judgment for Defendant in this action with respect to all claims;

20 Plaintiff has expressly reserved its right to appeal this Final Judgment and the
21 Court's prior orders in this matter including, but not limited to, the MSJ Order;

22 **IT IS ORDERED AND ADJUDGED THAT** final judgment is hereby
23 entered in favor of Defendant The Coca-Cola Company.

24
25 Dated: May 24, 2010

26
27 By: _____ 
28 Hon. S. James Otero
 United States District Judge

1 Respectfully submitted by:

2 ROLL LAW GROUP P.C.

3 By: /s/ Daniel S. Silverman

4 Daniel S. Silverman

5 Attorneys for Plaintiff

POM WONDERFUL LLC

6 PATTERSON BELKNAP WEBB & TYLER LLP

7 By: /s/ Steven A. Zalesin

8 Steven A. Zalesin

9 Attorneys for Defendant

THE COCA-COLA COMPANY

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